



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Daniel S. Hall, Esq.
Deputy General Counsel, General Counsel's Division
GROWMARK, Inc.
1701 Towanda Ave
Bloomington, IL 61701

DEC - 5 2017

RE: MUR 7007
Total Grain Marketing,
LLC

Dear Mr. Hall:

On February 12, 2016, the Federal Election Commission ("Commission") notified Total Grain Marketing, LLC, a subsidiary of GROWMARK, Inc., of a Complaint alleging violations of the Federal Election Campaign Act of 1971, as amended. A copy of the Complaint was forwarded to you at that time. On November 7, 2017, based upon the information contained in the Complaint, and information provided by you, the Commission found that there is no reason to believe that Total Grain Marketing, LLC, violated 52 U.S.C. §§ 30116(a) and 30118(a). Accordingly, the Commission has closed the file in this matter as it pertains to Total Grain Marketing, LLC.

The Commission reminds you that the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A) remain in effect, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed. The Factual and Legal Analysis, which more fully explains the Commission's findings, is enclosed for your information.

If you have any questions, please contact Roy Q. Luckett, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink that reads "Mark Allen".

Mark Allen
Assistant General Counsel

Enclosure
Factual and Legal Analysis

1 **FEDERAL ELECTION COMMISSION**

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3 **FACTUAL AND LEGAL ANALYSIS**

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6 **RESPONDENT:** Total Grain Marketing, LLC **MUR:** 7007

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8 **I. INTRODUCTION**

9 This matter was generated based on a Complaint filed by Richard Stubblefield. As set
10 forth below, the Federal Election Commission (the "Commission") finds no reason to believe
11 that Total Grain Marketing, LLC ("TGM") violated 52 U.S.C. § 30116(a), a provision of the
12 Federal Election Campaign Act of 1971, as amended (the "Act"), by making an excessive
13 contribution.

14 **II. FACTUAL BACKGROUND**

15 The Complaint alleges that on December 8, 2015, TGM made an excessive contribution
16 in the amount of \$10,008.69 to Kyle McCarter for Congress Committee ("Committee"), the
17 principal campaign committee for McCarter, who sought the Republican nomination in the 15th
18 Congressional District in Illinois in 2016.

19 TGM's response to the Complaint disputes that it was the source of the contribution at
20 issue. It explains that on November 11, 2015, Darren Bailey, a TGM customer, delivered grain
21 to a grain terminal in exchange for grain tickets totaling \$10,008.69.¹ Bailey then took those
22 tickets to a TGM location to exchange the tickets for cash.² Instead of receiving the cash, Bailey
23 requested that the check be made out to the Committee. The TGM location granted this request,
24 although this action was not consistent with TGM policy, and forwarded a check in the amount

¹ TGM Resp. at 1 (Feb. 29, 2016).

² *Id.*

of \$10,008.69 to the Committee.³ The Committee subsequently disclosed TGM as the source of this contribution.

On February 25, 2016, after the Committee refunded the contribution to TGM, TGM issued a \$10,008.69 check to Bailey.

III. LEGAL ANALYSIS

For the 2016 election cycle, no person was permitted to make contributions to a candidate for federal office or his authorized political committee which in the aggregate exceeded \$2,700 for each election.⁴ The Act and Commission regulations further prohibit corporations from making contributions to candidate committees.⁵

The available record indicates that Total Grain Marketing, LLC did not make the contribution at issue. Accordingly, the Commission finds no reason to believe that Total Grain Marketing, LLC violated 52 U.S.C. §§ 30116(a) or 30118(a).⁶

³ *Id.* at 2.

⁴ See 52 U.S.C. § 30116(a)(1)(A); 11 C.F.R. § 110.1(b)(1).

⁵ 52 U.S.C. § 30118(a); 11 C.F.R. § 114.2(b), (d).

⁶ Any contribution by TGM, an LLC, would be treated as a contribution from either a partnership or a corporation depending on how it elects to be treated by the IRS. See 11 C.F.R. § 110.1(g). The available information does not indicate which form TGM has elected. In TGM's response to the Complaint, it describes itself as a subsidiary of Growmark, Inc. but does not describe its own status. See TGM Resp. at 1. The Illinois Secretary of State website does not include information indicating whether TGM is treated as a partnership or a corporation. See Illinois Secretary of State LLC File Detail Report, available at <https://www.ilsos.gov/corporatellc/CorporateLlcController>.